

Legal Manpower Supply and Demand in California

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IN CALIFORNIA

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PREFACE

In California, as well as nationally, there has been very little connection between educational planning and manpower needs. In higher education, until the last few years, educational planning was largely done at institutional or statewide administrative levels and was concerned with meeting student demand, expanding educational opportunity, and financing California's rapidly growing statewide system. One notable feature of these educational plans in California has been the lack of attention to manpower, or occupational needs.

The assumption in most of this planning has been that suitable jobs would be available for all the graduates that could be produced, at both undergraduate and graduate levels. Even though graduate and professional schools tend to be vocationally oriented, the growth of the State's system has not been planned to meet occupational requirements. In a democratic society, much more importance has been attached to the values inherent in the concept of universality of opportunity for higher education and maximum freedom of student choice among different kinds of undergraduate and graduate programs, curricula, and various types of institutions.

In the 1970's, however, much more attention will need to be focused on the need for college educated manpower planning in terms of labor market needs in a variety of occupations. Economists, educators, and manpower planners have already alerted colleges and universities to the fact that college graduates, including those from graduate and professional schools, will be much more numerous in relation to jobs, and for

the first time, the availability of suitable employment for college educated manpower is now a major public issue. Graduate and professional education, because it is so expensive, requires so much time, student effort and commitment, and has been the most rapidly growing level of higher education, is of particular concern.

Clark Kerr, Chairman of the Carnegie Commission on Higher Education, has informed educational planners that we now face a new situation of a balanced supply in most of the highly trained professions (except those related to health), and some present and prospectively increasing surpluses. The students, however, continue to apply for advanced graduate work, and more and more institutions seek to offer it. This is especially true in legal education, where, as this study indicates, California and the nation are facing serious legal manpower supply and demand imbalances that could equal, if not surpass, those now existing in the aerospace industry and the teaching profession.

This report represents an effort to determine the nature and extent of legal manpower supply and demand imbalances in California through 1980. It also attempts to deal not only with the questions of student demand for legal education and the determination of public need for lawyers, but the far more complex policy issue of whether there is a need for establishing additional state supported law schools in California.

Since the study was limited to a three-month period (October-December 1972) it is clearly not an exhaustive treatment of future legal manpower supply and demand in California or the policy issues this subject raises for educational planners and legislators. Much needed statistical data and information were not available and many important

questions were left unanswered. Changes are now occurring in the legal profession and in legal service delivery systems. In the future we can also expect to see changes in the structure and substance of legal education since education in the law is increasingly being regarded as a general, advanced level education for careers in business, government, politics, banking, public administration and other fields of endeavor.

All of these variables will obviously affect future supply and demand equations. But the results of this study from many sources are so consistent that the writer, at least, has considerable confidence in its conclusions. Many will disagree with them, for a variety of reasons, depending upon their own values and interests. Whatever the case may be, the analysis of the relationship between the public need for legal services and the State's ability to produce the necessary legal manpower to provide these services is considered to be of significance and worthy of continued study. Failure to do so could result in a serious social problem of considerable magnitude for California's economy and those students with aspirations for a legal career.

SECTION I
INTRODUCTION

At its 1971 annual meeting, the American Bar Association (ABA) noted that the nation's 147 approved law schools were graduating students at more than twice the 1960 rate, an annual rate that is estimated to reach almost 30,000 by 1974 and accelerate, which will approximately double the legal profession by 1985.¹ With the number of students in the fall 1971 freshman law class twice as high as the projected number of new jobs awaiting them, the Association forecast possible economic distress in the years ahead. Serious concern over U. S. Department of Labor estimates of average annual openings of 14,500 for lawyers until 1980 prompted the Association to seek remedies.² Calling the present situation a "potential social tinderbox," Robert W. Meserve, at that time president-elect of the ABA, announced the formation of a special nine-member American Bar Association Task Force on Professional Utilization. This group has recently completed a study of the impact on the public and the legal profession of the mushrooming numbers of students to be admitted to the practice of law and its results will be referenced throughout this report. Since the publication of the Task Force's report, the ABA recently noted that "the nation's law schools graduated 10,000 more men and women in 1972 than there are jobs."³

Despite these alarming statistics, in recent years there has been an unprecedented and continuing growth of student demand for legal education,

¹News item in The New York Times, February 6, 1972.

²College Educated Workers, 1948-1960, Bulletin 1676, U. S. Department of Labor, Bureau of Labor Statistics, U. S. Government Printing Office, Washington, D. C., 1970, p. 15.

³Business Week, September 23, 1972, p. 48.

both at the national level and in California. The best available indication of law applicant volume is the number of individual candidates for the Law School Admission Test (LSAT), a prerequisite for admission in almost all approved law schools. The volume for the 1971 test year, July 1970 through April 1971 was 107,479, about five times greater than the 23,099 candidates who applied in 1961.⁴

The same spiraling student demand for legal education is also apparent in the number of applicants for enrollment in California's law schools. For example, the School of Law, University of California, Berkeley campus registered 299 students from approximately 3,700 applicants in September 1970. In 1971, on the same campus, the figures were 294 out of 5,605 applicants. In 1973, the Dean estimates 6,000 applicants for 265 places. The situation is similar in the other University of California law schools and in virtually all accredited law schools in the state and the nation as a whole, as we shall see later in this report.⁵

Background of the Study

During the past few years, in response to this ever-increasing rise in student applications to California law schools, and concerned that the existing state schools were unable to meet these demands for legal education, the University of California established several special committees to study the problem. A brief review of these studies should provide the necessary historical perspective and background for understanding the need for the present study and its objectives.

⁴Memorandum from Professor Millard H. Baud, Consultant on Legal Education, American Bar Association, "The Growth in Numbers of Law Students and Law Graduates, 1961-1971," December 21, 1971.

⁵Admissions Office,REDIT Hall, University of California, Berkeley, November 1, 1972.

The April 17, 1961 report of an Advisory Committee on Law School Planning appointed by President Kerr recommended (1) that the law schools at Berkeley and UCLA be expanded to 1,000 students each, (2) that a new law school should be established at Davis between 1965 and 1970, and (3) another in southern California between 1970 and 1975. No recommendation was made concerning Hastings College of the Law, since it has its own independent Board of Directors and was not represented on the committee. The Berkeley and Los Angeles schools are now approaching this target (the 1972-73 enrollment at Berkeley is 891, at Los Angeles it is 920), and a new school at Davis accepted its first students in fall 1966 and graduated its first class in June 1969. Its 1972-73 enrollment is 480 and it does not plan to exceed 500. In the meantime Hastings planned to expand to 1,200 and in 1972-73 it actually enrolled 1,527 students.⁶

In 1966 President Kerr appointed a new committee, charged with "a complete re-study of the needs of the state . . . and the proper role of the University of California in meeting these needs." Its report, dated January 1, 1968, found that "all of the available evidence suggests that . . . the University should create at least two new law schools within the next decade. The first, at Riverside, should be authorized immediately and the second should be authorized within two or three years at either the Irvine or Santa Barbara campus."

The preliminary 1969-70 budget called for planning money for the Santa Barbara campus, but because of fiscal stringencies this item was deleted from the budget actually submitted to Sacramento.

⁶The historical background material on this and succeeding pages is almost totally derived from the Report of the Advisory Committee on the Need for a New Law School in Southern California, September 27, 1971.

The following March 4 the San Diego delegation in the Legislature introduced A.C.R. No. 81, calling for a Joint Committee "to ascertain, study, and analyze all facts relating to establishing a second campus of the Hastings College of the Law in the City of San Diego and to determine the most appropriate specific site for that college in the City of San Diego." As the Hastings Board expressed no interest in a branch campus, the Resolution was amended to ask The Regents to 1) "study the need and the feasibility of establishing an additional law school in southern California," adding that 2) "all reasonable alternative approaches shall be considered, with particular attention to be given to the organizational structure and educational purposes served by the Hastings College of the Law approach" and 3) "particular attention shall be given to the need for such a facility in San Diego County and to the question whether such a facility should be located on the campus of the University of California, San Diego, or in a central urban area." The Resolution was passed as amended on August 21, 1970, and President Hitch appointed a special Advisory Committee to advise him regarding the required response to A.C.R. No. 81.

Meanwhile, the Executive Committee of the Board of Directors, Hastings College of the Law, recommended to the Board that the concept of a Hastings College of the Law, San Diego Civic Law center campus be approved and that the Dean and members of his staff cooperate fully and in all ways deemed appropriate and advisable with the University and Legislature in the realization of this goal. This recommendation was unanimously approved by the Board at the December 1971 meeting.

The Advisory Committee of the University submitted its report to the Regents on September 27, 1971. The report recommended that two new

law schools should be opened as soon as possible in southern California, one in a large urban area within easy access of a County Law Library, and one on either the Santa Barbara or the Riverside campus.

The 1972-73 Operating Budget request included provision for the salary of a Dean, for initial support costs, and for establishment of a law library at the Santa Barbara campus. A minimum of two years was estimated for planning between the time a Dean took office and the time the first class could be admitted. However, that request was not approved by the Governor and subsequent efforts to obtain funds from the Legislature were unsuccessful. The present 1973-74 Regents' Budget again proposes State funding to establish a new law school at Santa Barbara. This Budget totals \$531,871 for 1973-74 start-up costs, including the salary of a Dean, initial support costs, and library costs of \$475,871.

In addition to the pending Regents' Budget for a Santa Barbara law school, a Hastings College of the Law proposal for establishment of a San Diego branch campus had been presented during the Legislature's regular 1972 session. This proposal, incorporated in Assembly Bill No. 1621, introduced by Assemblyman E. Richard Barnes, Seventy-Eighth District, San Diego County, appropriated \$278,000 to the Regents of the University of California for costs associated with the first year development of the second Hastings campus in San Diego. The budget item was subsequently eliminated from the Governor's budget since he stated that there was "insufficient evidence to support the need for an additional law school in the state of California."

In a memorandum from the Governor's Office, dated September 28, 1972, the Coordinating Council, "consistent with its responsibilities," was requested to "study the question of need for an additional law school,"

and the memorandum specified a number of questions, factors, and related issues that were to be studied and resolved "before academic proposals with sizeable capital outlay and other budget implications receive the Governor's support." This present study is in response to that request.

Study Objectives and Scope

The principal objectives of the study were as follows:

1. To determine the relationship between the demand for and the supply of California's public law school graduates through 1980.
2. To conduct the study with a special awareness of recent proposals for the establishment of a University of California law school at Santa Barbara and a Hastings College of Law in San Diego.
3. To identify any other viable law school alternatives that may exist for resolving or reducing possible lawyer supply and demand imbalances in the State.
4. To identify the fiscal implications of each of the alternatives which are practical considerations in eliminating or reducing possible supply and demand imbalances.

The study included all of the 20 public and private law schools in California either approved by the American Bar Association or accredited by the State Bar of California, including full-time day students, and those in part-time day or evening division programs. Also included were the 20 unaccredited law schools currently operating in the state.

Methods and Procedures

The "research" on which this study is based did not include field studies, questionnaires, and opinion polls. Rather, because of the large number of institutions, the anticipated statistical and time problems associated with questionnaire studies, and the difficult time constraints imposed on the study, less sophisticated methods were employed.

Essentially, three major steps were required. The first step involved a comprehensive literature review and the gathering of statis-

tical data related to the current and projected supply of new law school graduates and job-market demand in California and nationally. Three methods were used to collect the needed data. These methods included: (1) reviewing available private, state, and national reports and studies of legal manpower supply and demand; (2) requesting law school statistical data and other required information from the Office of the President, University of California, the Dean, Hastings College of the Law, other private law school deans, and (3) requesting similar data from the State Bar of California, the Committee of Bar Examiners of the State Bar, the American Bar Foundation, the American Bar Association, and the Bureau of Labor Statistics of the U. S. Department of Labor.

The second step included an analysis of all previous Advisory Committee reports to the President of the University of California and subsequent proposals relating to the need for additional legal education facilities in the state. The third step consisted of structured interviews with a representative sample of public and private law school deans from accredited and unaccredited law schools in California. In addition, several placement offices of regional bar associations in the state were contacted and personal interviews were conducted with the Special Consultant to the Committee of Bar Examiners of the State Bar of California and the Chairman of the State Bar's Special Committee on Legal Education Facilities.

The law school deans from the following eight institutions participated in the interviews conducted during the study: (1) University of California, Los Angeles; (2) Hastings College of the Law; (3) University of Southern California; (4) Loyola University; (5) Southwestern University; (6) University of San Diego; (7) Western State University; and (8) California Western University.

SECTION II
STUDENT DEMAND FOR LEGAL EDUCATION

Law School Enrollment

In 1971 a study of enrollment in the 147 law schools approved by the American Bar Association was made by its Section of Legal Education and Admissions to the Bar.⁷ As shown in Table 1, the last decade has witnessed a remarkable growth in law school enrollment, more than doubling from the 41,499 students in 1961 to 94,468 in 1971. First year enrollment shows a growth pattern of 16,489 to 36,171 during this period, an increase of 119.4 percent. The number of women students enrolled last fall was over six times greater than in 1961, having increased from 1,497 to 8,914. Table 1 shows that the major part of these increases have occurred during the past three years, from 3,704 to almost 9,000. During this same period of time total law school enrollment has also increased by 38 percent, from 68,386 in 1969 to 94,468 in 1971.

As Table 1 indicates, the total enrollment in ABA-approved schools increased by 11,969 or 14.5 percent, in the fall of 1971 over the fall of 1970. In the fall of 1970, 34,713 first-year students were admitted to approved schools; in 1971 the figure was 36,171. While this represents only an increase of 4.2 percent, it should be borne in mind that in the fall of 1970 virtually all approved schools indicated that their first-year enrollment had reached maximum capacity. As might be anticipated by the large increase in first-year enrollments in 1969 and 1970, the greatest part of the increase in enrollment in 1971 could be attributed to the increase in the size of second and third-year students in approved schools grew from 42,336 to 52,544, or by 11,208.⁸

⁷Reud., op. cit., p. 1

⁸ibid.

TABLE 1

LEGAL EDUCATION AND BAR ADMISSION STATISTICS

1961-1971

Year	Enrollment		First Year	ISAT Candidates	J.D./LL.B. Awarded	New Admissions to the bar
	Total	Women				
1961	41,499	1,497	16,489	23,099	9,435	10,729
1962	44,805	1,575	18,346	26,279	9,260	10,784
1963	49,552	1,883	20,776	30,528	9,638	10,788
1964	54,265	2,183	22,753	37,598	10,491	12,023
1965	59,744	2,537	24,167	39,406	11,507	13,109
1966	62,556	2,678	24,077	44,905	13,115	14,644
1967	64,406	2,906	24,267	47,110	14,738	16,007
1968	62,779	3,704	23,652	49,756	16,077	17,761
1969	68,386	4,715	29,128	59,050	16,733	19,123
1970*	82,499	7,031	34,713	74,092	17,183	17,922
1971	94,468	8,914	36,171	107,479	17,006	

Notes: Data provided by the American Bar Association, Section of Legal Education and Admissions to the Bar. Enrollment is that in ABA approved schools as of October 1, 1971. The ISAT candidates' volume is given for the test year ending in the year stated, thus, 107,479 administrations of the ISAT occurred in the test year July 1970 through April 1971. J.D./LL.B. degrees are those awarded by ABA approved schools for the academic year ending in the year stated; thus, 9,435 degrees were awarded in the year beginning with the fall 1960 term and ending with the summer 1961 term. Total new admissions to the bar are for the calendar year.

The fall 1970 ABA Questionnaire asked the law schools for the number of additional students they could have enrolled in their fall 1970 entering classes. Only 16 schools reported that they could have enrolled an additional 353 students and 306 evening students. These 659 "unfilled seats" represented less than 2 percent of the fall 1970 first year enrollment.

It is clearly important in this study of California law schools to determine whether the demand for legal education will increase, continue at present levels, or decrease in the near future. The number of first-year positions in existing law schools imposes a limitation on the number of students actually being enrolled in law schools. It should be noted, however, that this limitation is apparently not inflexible. In fall 1971, first year enrollment in the nation's approved schools increased by 1,458, while, as noted above, one year earlier the law schools indicated they could accommodate an additional increase of only 659.

In three of the University of California's four law schools, some openings apparently exist in terms of total enrollment in each of these schools but apparently operating budget restrictions have limited enrollments below planned maximum capacities. Berkeley's law school has capacity for 1,000 students but total student enrollment this fall was only 897. The Los Angeles law school was also designed for 1,000 students but enrolled a total of 920. The Davis law school campus of the University of California was designed for 500 students and enrolled a total of 479 students this fall.⁹ Hastings College of the Law, however, a school

⁹Correspondence received from the Office of the President, University of California, Berkeley, November 8, 1972.

designed for a maximum of 1,500 students, actually enrolled a total of 1,527 this fall.

Admission Applications

There is substantial evidence that in addition to dramatic recent increases in the number of individuals actually enrolling in law schools there has been equally remarkable increases in the number of students seeking admission to law schools. In 1972 the demand for spaces in the Nation's law schools was well in excess of the supply of available space. Harvard, for example, is reported to be receiving 8,000 applications each year for 500 openings. For the September 1971 class, Georgetown Law School had 3,578 applicants for 600 places; Cornell had 160 places for 2,100 applicants; and Indiana University had 1,200 applicants for 400 places. Student demand for legal education in Pennsylvania is typical. In the period from 1964-69, student applications for admission to Pennsylvania law schools increased from 3,701 to 7,127, an increase of 93 percent. But in the same period, admissions increased from 996 to 1,351¹⁰ an increase of only 36 percent.

The picture is similar in the University of California law schools and in all the accredited law schools in the State. For example, the Berkeley Law School admitted 299 students from 3,700 applicants in September 1970. By fall 1972, the number of applicants had grown to 5,600 and only 271 were admitted. In 1972, the Davis law school received 2,235 applications for 182 registrations. UCLA registered 359 in 1972 from 3,000 applications, and Hastings College of the Law received 5,487 applications in 1972 and registered 515 students.

¹⁰ Pennsylvania Department of Education, "A Study of Legal Manpower Demand and Supply in Pennsylvania," October 1971, p. vi.

Large, nationally known law schools have historically received many more applications than the number of first year places available. But the ever-increasing law school admissions phenomenon is not restricted to nationally known law schools in California. For example, the University of San Diego, a private, multi-division, ABA approved law school, with a total 1972 fall enrollment of 877 students, received 2,310 day school applications and 304 evening applications for this fall's entering class. Of the total 2,614 applications received, only 317 students were enrolled; 223 in the full-time day program and 94 in the part-time program.¹¹

Student Aspirations

What are the reasons for these startling increases in student interest? Is it the television-enhanced image of the glamorous young lawyer; idealistic, modish, prosperous and working for social change within the "system?" Perhaps, but the reasons are more likely to be a combination of other, more significant factors. As Dean Murray L. Schwartz of the UCLA Law School points out:¹²

There are probably several reasons, including the unusually large number and percentage of the age group that is graduating from college; returning veterans, the opening of law schools to minority students, a group that had previously been almost non-represented; the tripling of the number of women students in these past recent years, a rate of increase that is likely to continue before it levels off; and the shift from other graduate, Ph.D. and professional programs to law schools because of the decline of job opportunities. Particularly significant in terms of the "generation gap" is the view of many college students that law is "where it's at;" lawyers are in the best position to effect needed change in our society, a view that the movements and developments of the 1960's nurtured.

¹¹Personal correspondence from Dean Donald T. Weckstein, USD., November 29, 1972.

¹²Schwartz, M. L., "The Legal Profession in the United States: 1960-1980" Journal of the Beverly Hills Bar Association, Volume 5, No. 4, September 1971, pp. 60-71.

Other observers of the spiraling demand for legal education feel that young people are attracted by the public image of the importance of lawyers in national and state affairs. They see the predominance of lawyers in Congress, in State government, in Presidential campaigns, and in key positions in the "establishment." And youthful idealism no doubt sees law as a means to orderly social change. Older students, drawn from public school teachers, social workers, engineers, and other professions, are also being attracted in increasing numbers. Some are no doubt seeking retraining from economic necessity; but most are probably seeking more challenging careers.¹³

Finally, for those students whose motivation may be more attuned to the economics of a legal education, Table 2 figures indicate the 1967-1968 average income of lawyers as compared with other professional groups.¹⁴

TABLE 2

LAWYER AVERAGE INCOME COMPARED WITH OTHER PROFESSIONAL GROUPS

	Individuals	Partnerships	
	<u>1967</u>	<u>1967</u>	<u>1968</u>
Physicians	\$27,208	\$36,143	\$36,250
Lawyers	10,850	25,280	26,419
Dentists	19,805	21,886	17,541
Architects	9,183	15,604	16,008

Source: Legal Economic News, American Bar Association, Chicago, Illinois, March 1971.

¹³Pennsylvania Department of Education, op. cit., p. 16.

¹⁴Ibid., p. 12.

In 1968 lawyers in law firms ranked second only to physicians in average income; lawyers in individual practice ranked in third place in 1967.

Whatever the reasons, there was one law student for every four lawyers in the United States in 1969-1970. By 1971-1972, that figure will be approximately one student for every three lawyers. Put another way, in 1960 the number of new lawyers admitted to the Bar was about 10,000. According to the American Bar Association, there were an estimated 342,935 lawyers in the United States in 1971. New admissions to the Bar, as shown earlier in Table 1, have grown 67 percent from 1961 to 1970 (1971 figures are not yet available), from 10,729 to 17,922. The first degrees in law awarded by approved schools have increased 80.2 percent from 1961 to 1971, from 9,435 to 17,006. An extrapolation of these figures suggests that there will be 23,000 new admissions to the Bar in 1972; 27,000 in 1973; and 29,000 in 1974. The number of lawyers in 1971 probably will double before 1985.¹⁵

Enrollment in California Law Schools

In California, law schools are approved by the American Bar Association and accredited by the State Bar of California. Accredited schools may be either "fully accredited" or "provisionally accredited."¹⁶ A provisionally accredited school enjoys all the rights and privileges of a fully accredited school, but is subject to annual re-inspection and may be required to make additional reports as part of its provisional accreditation in order to retain such accreditation and obtain full accreditation.

¹⁵Rand., op. cit., p. 2.

¹⁶Rules Regulating Admission to Practice Law in California: Standards and Procedures for Preliminary Approval, Provisional Accreditation and Full Accreditation of Law Schools. The Committee of Bar Examiners, Revised June 1971, p. 1.

An "unaccredited" school may be granted a "preliminary approval." This means that, although the school does not yet meet the Standards for provisional accreditation, it does appear to have an organizational structure and program consistent with the Standards for accreditation and is capable of qualifying, in the near future, for provisional accreditation. A law school with preliminary approval must qualify for provisional accreditation within three years or secure an extension of time from the Committee.¹⁷

Table 3 shows the first year and total enrollment in California for the fourteen ABA approved and state accredited law schools during the 1968-1971 time period. These schools include the four University of California law schools (Berkeley, Los Angeles, Davis, and Hastings) and the ten private law schools (Loyola, University of Southern California, University of San Diego, California Western University, University of Santa Clara, University of San Francisco, Stanford, Golden Gate College, University of the Pacific (McGeorge School of Law), and Southwestern University. The three state accredited law schools (which are not approved as yet by the ABA) listed in Table 3 are Pepperdine University (Santa Ana), Beverly College (Los Angeles), and San Francisco Law School.

An examination of Table 3 reveals the same rapidly increasing and remarkable growth in California student demand for legal education noted previously on the national scene. The fourteen ABA approved law schools, combined with the three state accredited schools, enrolled a total of 10,073 students in fall 1970, of whom 4,469 were in the first year class. This represents a numerical increase in total enrollment from the fall of 1969 (7,905) of 2,168 students, or 27.4 percent. The first year class increase during the same two years (1969-1970) was 943

¹⁷Ibid.

TABLE 3

FIRST YEAR AND TOTAL ENROLLMENT IN APPROVED
CALIFORNIA LAW SCHOOLS
1968-1971

Year	University of California (4)	Private Colleges and Universities (10)	Schools Accredited by California Committee of Bar Examiners (3)	Totals	
	<u>First Year</u> <u>Total</u>	<u>First Year</u> <u>Total</u>	<u>First Year</u> <u>Total</u>	First Year	Total
1968	1,157 2,767	1,649 3,669	- -	2,806	6,436
1969	1,299 3,037	1,889 4,079	338 789	3,526	7,905
1970	1,285 3,498	2,818 5,905	366 670	4,469	10,073
1971	1,417 3,851	2,987 7,001	449 917	4,853	11,849
Three year change: 1968-1971				<u>Numerical</u>	<u>Percent</u>
First Year				2,047	73.0
Total Enrollments				5,413	84.1

Source: Personal correspondence from Dean John A. Gorfinkel, Consultant to the Committee of Bar Examiners of the State Bar of California, May 16, 1972.

Notes: Enrollment figures include all first year class and total law school enrollment for the fourteen California law schools approved by the American Bar Association, and the three schools accredited by the California Committee of Bar Examiners; full and part-time students; and day and evening division law school programs. The figures in the table do not include enrollment for unaccredited law schools in California.

students (3,526 to 4,469), a rise of 26.7 percent.

In the fall 1971 total law school enrollment, there was a less rapid increase, since the law schools are now reported to be operating at almost full capacity. Nevertheless, total enrollment rose from 10,073 to 11,849, an increase of 1,776 students, or 17.6 percent; first year class enrollment went from 4,469 in 1970 to 4,853 in 1971, or 384 students, representing an increase of 8.6 percent.

The overall three year change shown in Table 3 indicates total law school enrollment increased by 5,413 students, or 84.1 percent, while the first year enrollment rose 2,047, or 73 percent. This is an exceptional growth pattern in such a short time span, indicating that California students' demand for legal training are following national trends to a substantial degree.

Enrollment Expansion

Further examination of Table 3 reveals that the largest expansion in California legal education during the past three years has occurred in the law schools of the private colleges and universities. The three year numerical increase in total enrollment, from 3,669 in 1968 to 7,081 in 1971 was 3,412 students, or 93.0 percent, which is slightly higher than the aggregate increase of 84.1 percent for all the law schools during this period. In terms of first year enrollment, the three year change in the private colleges and universities is equally impressive, rising from 1,649 in 1968 to 2,987, an increase of 1,338 students, or 81.1 percent.

The most significant year, in terms of large enrollment increases in the private law schools, was from 1969 to 1970. Total enrollment increased from 4,079 to 5,905, representing 1,826 additional students

or 44.8 percent. First year enrollment increases were 929 students, from 1,839 in 1969 to 2,818 in 1970, a rise of 49.2 percent. These rises were partly due to increases in first year admissions, as well as second and third years, in the approved law schools, and the ABA approval of Southwestern University (1970), and University of the Pacific (McGeorge School of Law), also in 1970. Adding to the large increases in the ten ABA private law schools in the state during 1970, were the enrollments resulting from the three state accredited law schools (Pepperdine, Everly College, and San Francisco).

The University of California's four law schools, always near capacity, accounted for more modest, yet significant increases in the swelling tide of law candidates. Total enrollment increases during the four years (1968-1971) were 1,084 students; from 2,767 in 1968 to 3,851 in 1971, an increase of 39.2 percent. First year expansion was 260 students; from 1,157 to 1,417, an increase of 22.5 percent.

During 1972, three more law schools, formerly in the "unaccredited" status, were accredited by the State Committee of Bar Examiners but not by the American Bar Association. These schools were LaVerne College of Law, Los Angeles; University of San Fernando. San Fernando Valley in Los Angeles County; and the Anaheim campus of Western State University. This school received "provisional accreditation." First year and full-time enrollment in these schools for the fall 1972 academic year must therefore be added to the total law school enrollment picture in California shown in Table 3 for enrollment projection purposes later in this report. Enrollments in these schools during fall 1972 are as follows:

	<u>First Year</u>	<u>Total Enrollment</u>
LaVerne	62	133
University of San Fernando	537	790
Western State University (Anaheim)	595	1,300
Total	<u>1,194</u>	<u>2,223</u>

Note should be made here of the effect of movement, or potential movement, of unaccredited law schools into the ranks, first as state accredited schools and then approval by the American Bar Association. Southwestern and Pepperdine both accomplished this within three years. When a school makes the move in status, two consequences usually follow. First, it gets more applicants, and second, the general level of the quality of its applicants improves. The result is a larger first year class and an increase in the percentage of admissions who remain, graduate, and eventually are admitted to the State Bar. For example, in 1971 LaVerne had a first year class of 49 and a total enrollment of 102. In 1972, these figures increased to 62 and 133 respectively. The University of San Fernando's first year class increased from 269 in 1971 to 537 in 1972; its total enrollment rose from 544 to 790. Western State University's first year class in 1971 was 420 and its total enrollment was 1,029. In 1972 the figures were 595 and 1,300 respectively.

Unaccredited Law Schools in California

In addition to the twenty ABA approved or state accredited law schools presently operating in California, there are also approximately twenty more law schools in existence that are neither approved by the ABA or accredited by the State Bar of California. They are located in various parts of the state and vary in size from the recently opened

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Northrop Institute of Technology in Inglewood, with a first year class of 50, to the San Diego campus of Western State University, which has a fall 1972 total enrollment of 700 students, with 300 in the first year class. This institution has recently received preliminary approval from the State Committee of Bar Examiners.

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In testimony given to the American Bar Association's Task Force on Professional Utilization, Dean John Gorfinkel, Consultant on Legal Education to the State Bar of California, discussed the unapproved law schools in the State.¹⁸ Dean Gorfinkel stated that in 1968 there were approximately 2,700 students in California law schools which were neither approved or accredited. The corresponding figure for 1971 was 4,500. It is estimated that the enrollment in California unapproved schools makes up 70 percent of the total enrollment in all unapproved schools. Of the 2,700 students in unapproved and unaccredited California law schools in 1968, approximately 1,000 were enrolled in schools which became accredited or approved by 1971. Thus, approximately 1,700 students were enrolled in California law schools which remained unapproved and unaccredited at the time those students would have normally been expected to have graduated in 1971.

For practical purposes, the graduates of unapproved and unaccredited California law schools are eligible to take bar examinations only in California. In the fall of 1971, 284 graduates of unapproved law schools took the California bar examination; 116, or approximately 40 percent passed. Dean Gorfinkel stated that this analysis persuaded him that unapproved and unaccredited law schools do not make a major contribution to the

¹⁸Final Report of the Task Force on Professional Utilization,
American Bar Association, August 1972., p. 10.

number of practicing attorneys. He estimates that of the individuals enrolled in the worst of the unapproved and unaccredited schools, fewer than 15 percent are ever admitted to practice. He indicated that one of the unapproved schools had not a single graduate pass the bar examination in the past three years.¹⁹

¹⁹Ibid.

SECTION III
LEGAL MANPOWER SUPPLY IN CALIFORNIA

First Year and Total Enrollment

In projecting the total new legal manpower supply to be anticipated in California during the 1970-1980 time period, the first factors to be considered are present enrollment and the probable productivity of the state's existing law schools since they will continue to provide the majority of new job entry lawyers during that period. The projection should therefore include law students who are now enrolled and will be graduated and subsequently admitted to the California State Bar from the 4 University of California law schools and the 16 private ABA approved or state accredited law schools. For projection purposes, the approximately 20 unaccredited and unapproved law schools presently operating in the state have been disregarded because of the difficulties encountered in obtaining fall 1972 enrollment data from these schools and their insignificant annual contribution to the number of practicing attorneys in California.

As we have seen in Table 3, in 1971 there were 17 approved or accredited law schools in California and they were assumed to be operating at or near full capacity during 1971-1972 with a total enrollment of 11,849 students. As stated earlier, the 1971 ABA survey indicated only three schools in the nation with "unfilled seats;" 52 spaces in day programs and 35 openings in the evening divisions. These three schools were not in California. In fact, many of them, at least the University of California law schools, were overenrolled during 1971 (in terms of existing operating budget limitations) because more of the applicants who were accepted that year actually enrolled than had been the experience

in earlier years. For example, last year Berkeley accepted 614 applicants to fill a class of 275. It actually enrolled 298. UCLA accepted 675 students to fill a class of 325, but actually enrolled 351.²⁰

Adding the total fall 1972 enrollment figure of 2,223 for the 3 new state accredited law schools (Western State University, La Verne, and the University of San Fernando) to the actual 1971 total enrollment of 11,849 for the 17 law schools with ABA or state accreditation brings the total estimated fall 1972 enrollment figure to 14,072 for all 20 law schools. Similarly, the addition of first year enrollments of 1,194 for the 3 newly accredited schools to the 1971 total of 4,853 shown in Table 3 results in a total estimated fall 1972 first year class of 6,047. With the addition of 3 more accredited law schools from the private segment, in all probability the total enrollment capacity of the 20 ABA approved or state accredited schools has now been reached. It is therefore reasonable to assume that total enrollment will probably level off during the next several years, but not the number of graduates. Because of the record first year enrollments in 1969, 1970, and 1971, the number of graduates during 1972, 1973, and 1974 can be expected to increase significantly (See Table 3 for enrollment data).

Law School Graduates

For example, as shown in Table 4, in 1972 the actual number of graduates from the 4 University law schools increased by 209, or 21.8 percent over 1971 figures (958 to 1,167). The impressive total of almost 3,000 law school graduates produced by the state supported law schools during the past three years is indicative of the significantly larger number of

²⁰Report of the Advisory Committee on the Need for a New Law School in Southern California, September 27, 1971, p. 4.

graduates to be expected during the next several years from the other ABA approved or state accredited schools since they have experienced similar enrollment growth.

TABLE 4
UNIVERSITY OF CALIFORNIA LAW SCHOOL GRADUATES
1970-1972

Law School	1970	1971	1972	Total
Berkeley	192	268	274	734
Davis	68	85	166	319
UCLA	175	273	278	726
Hastings	<u>273</u>	<u>332</u>	<u>449</u>	<u>1,054</u>
TOTAL	708*	958*	1,167	2,833

Source: Office of the President, University of California, Berkeley, and Office of the Dean, Hastings College of the Law, San Francisco.

*Note: Totals for these years differ somewhat from the totals shown in Table 5. These differences are probably due to clerical errors at the source and were not considered significant in deriving the total number of law school graduates during the specified time period.

The next most important factor to consider in estimating the future new supply of lawyers in California is the number of graduates produced by the law schools in relation to those enrolled during the first year. Table 5 shows marked increases in law graduates from 1970 to 1971 in both the University of California schools and the private colleges and universities, totaling 2,006 in 1971. The three year overall rise in graduates from both segments was 623 students, or 45.6 percent.

TABLE 5
CALIFORNIA PRIVATE AND PUBLIC LAW SCHOOL GRADUATES
1968-1971

Category	1968	1969	1970	1971	Three Year Change	
					Numerical	Percent
University of California (4)	721	741	745	960	239	33.1
Private Colleges and Universities (13)	657	702	709	1,046	389	59.2
TOTAL	1,378	1,443	1,454	2,006	628	45.6

Source: University of California, Office of Analytical Studies, and the Association of Independent California Colleges and Universities.

Notes: Graduate figures include students from all California law schools approved by either the American Bar Association or the California Committee of Bar Examiners; full and part-time students; and day and evening division law school programs. The figures do not include students who were graduated from unaccredited California law schools.

Projection Assumptions

Obviously, the future supply of California lawyers to 1980 cannot be precisely estimated. This is due to the general problem of unreliability in making manpower projections in today's dynamic labor market, and also because of the complex variables to be considered in estimating future legal manpower. These include the projected California and national economy, out-migration of California's law school graduates and practicing attorneys to other states, the in-migration of out of state law graduates and practicing lawyers to California, the possible growth of unaccredited law schools in California, and related factors. Despite these uncertain-

ties, the actual and estimated production of graduates from ABA approved or state accredited law schools from 1970-1980 is shown in Table 6. The tabulation is based on the following assumptions:

1. During the 1972-1973 academic year, the total enrollment in part-time and full-time, day and evening division programs for the present 20 ABA and state accredited law schools will consist of 14,072 students; 11,849 from actual fall 1971 total enrollment and an additional 2,223 representing fall 1972 total enrollment in the three newly accredited law schools (See earlier discussion of enrollment in California law schools).
2. In compiling Table 6, applicants from out of state law schools have been ignored, as has been the fact that some graduates of California law schools will not take the California bar examination. It is estimated that between 350 and 400 persons will apply for the examination on the basis of study at an out of state law school, and approximately 300 of the students completing their studies in a California law school will apply for admission in other states.²¹
3. The total of California law schools' first year class enrollment for each of the years from 1968-1972 is the basis for projecting graduate populations three years later. Because of the well-known and very high degree of selectivity in admissions at the more prestigious public and private California day law schools, the attrition rates have traditionally been quite low; 90 percent of the first year law students from these institutions are normally expected to graduate three years later.

For example, the three-year average retention ratio (1970-1972) for first-year law classes at Berkeley was 91 percent; UCLA's ratio was 83 percent; at Davis the ratio was 90 percent; while Hastings' ratios for the same three years were 82.4 percent, 74.6 percent, and 80.3 percent, respectively.²²

In many of the less prestigious day law schools where the greatest expansion in enrollment has taken place, less selectivity has traditionally occurred (except during the last three years) and their attrition rates have therefore been higher; 70 percent of the first year students from these institutions actually graduate three years later. For a number of reasons, accredited part-time and evening division law schools cannot expect to graduate more than 50 percent of their first year admissions; yet they typically

²¹Personal correspondence from Dean John A. Gorfinkel, consultant State Committee of Bar Examiners, May 16, 1972, p. 3.

²²Office of the President, University of California and Office of the Dean, Hastings College of the Law, op. cit.

pass approximately 80 percent of their graduates on the first or second attempt at the State Bar examination.²³

There are obviously considerable differences in first year class retention ratios among the 20 state accredited law schools. Therefore, for purposes of estimating the number of law school graduates, the actual retention ratio of the number of graduates produced in 1971 to the number of first year students enrolled in the fall 1968 class was used to derive the figures shown in Table 6 for each succeeding year through 1974.

For example, in the fall of 1968, Table 6 shows a total first year enrollment for all law schools of 2,806. The table indicates 2,006 students were graduated three years later, in 1971, a graduation productivity ratio of 71.5 percent. In 1969, the first year class was 3,526 and, by using the same 71.5 percent graduation ratio, a law school graduation population of 2,521 was projected for 1972. Since 1972 law school graduation data, with the exception of the 4 University of California schools and only a few of the other private state accredited schools were unavailable during this study, there was no way of verifying the 1972 law school graduation figure of 2,521 shown in Table 6. However, since it is believed to be fairly accurate, the same extrapolation procedure was used for deriving the number of estimated law graduates to be produced during succeeding years. However, in the 1972 first year enrollment figures shown in Table 6, 1,194 first year students have been added to the 1971 figure of 4,853 to reflect the additional enrollment resulting from the 3 newly accredited law schools.

In projecting the estimated number of graduates to be produced in 1975, however, two different productivity ratios were used in order to reflect the traditionally lower first year average retention ratio of the

²³John A. Gorfinkel, Ibid.

3 newly accredited schools (50 percent) and the higher ratio of the other 17 law schools (71.5 percent). In other words, of the fall 1972 total of 6,047 first year students shown in Table 6, a productivity ratio of 71.5 percent was applied to the estimate of 4,853 first year students from 17 law schools, resulting in a 1975 graduation figure of 3,470. For the other 1,194 students from the 3 newly accredited schools, a productivity ratio of 50 percent was applied, which resulted in a net graduation estimate of 597 students from those schools in 1975. The resulting total of these two calculations is an estimated 4,067 graduates in 1975. The estimated grand total of law school graduates from 1968-1975 is therefore 19,534.

TABLE 6

PROJECTION OF GRADUATES FROM AMERICAN BAR ASSOCIATION
APPROVED OR STATE ACCREDITED LAW
SCHOOLS IN CALIFORNIA.
1968-1975

First Year Enrollment	Number of Students	Graduation Year	Number of Graduates
1965	Unknown	1968	1,378
1966	Unknown	1969	1,443
1967	Unknown	1970	1,454
1968	2,806	1971	2,006
1969	3,526	1972	2,521 (estimate)
1970	4,469	1973	3,195 (estimate)
1971	4,853	1974	3,470 (estimate)
1972	6,047	1975	4,067 (estimate)
TOTAL			19,534

Source: Graduate data from University of California, Office of Analytical Studies and the Association of Independent California Colleges and Universities. First year enrollment from the Committee of Bar Examiners of the State Bar of California; estimates are the Consultant's.

By using the data shown in Table 6, it is possible to extrapolate the total number of law school graduates to be anticipated during 1975-1980. If the number of law schools and their present first year and total enrollments remain the same during the next several years, and if the graduation productivity (retention) ratios described above continue, the annual number of graduates should be approximately the same as that shown for 1975 in Table 6, or 4,067. Therefore, if present trends continue, an estimated 4,067 law school graduates during each year from 1975-1980, or a total of 20,335 law school graduates, could be added to the estimated total of 19,534 for the 1968-1975 time period, for an overall grand total of 39,869 during 1968-1980.

State Bar Admissions

Table 6 and subsequent discussion indicated the projected estimate of new legal manpower supply from California law schools during 1970-1980. However, to estimate the total supply in the state during this period, an examination of California State Bar admissions data must be made since current active bar membership and its annual rate of growth are essential variables in the determination of total estimates of legal manpower supply.

Before examining state bar admissions data, it should be noted that historically the number of individuals who successfully pass the bar examination each year has always exceeded the number of law school graduates in any given year. There are several explanations for this. Each time a bar examination is administered, there are a number of repeaters. Individual law school graduates may elect to postpone taking the examination for any number of reasons. In addition, the time consumed by the

process of administering and grading the bar examination in many jurisdictions results in graduates being admitted to practice the year after the year in which the graduation takes place.

The California State Bar's active membership is currently 35,950. An additional 2,250 law school graduates who were successful in the fall 1972 bar examination will soon be sworn in as practicing attorneys. With these new members and allowing for normal attrition (deaths, retirements, out-migration, promotions, and other causes), the State Bar estimates approximately 37,706 active members at the end of 1972.²⁴ By using the official California Department of Finance's 1972 estimate of the state's total population of 20,524,000 people and the Bar's 1972 year-end estimate of 37,706 active members, the results show a ratio of one lawyer to 544 persons (1:544).²⁵ This figure is slightly more favorable than the national ratio of one lawyer per 572 people (1:572).²⁶

Table 7 shows an annual rate of growth of approximately 7 percent in State Bar membership from 1968-1973, and an overall five year numerical increase of 11,576, or 40 percent. Assuming that the number of, and enrollment in the existing law schools remains the same, and that graduation success ratios (productivity) remain constant, and further, that the relationship between the number of law school graduates and their success on the State Bar examination remains the same, an extrapolation of State Bar membership growth can be made from 1973-1980. If the estimated 1973

²⁴Personal correspondence from L. L. Snider, The State Bar of California, November 10, 1972.

²⁵California Department of Finance, Population Research Unit, "Population Estimates for California Counties"-Advance Report, August 18, 1972.

²⁶American Bar Foundation, "The 1971 Lawyer Statistical Report," Chicago, 1972, p. 6.

membership figure of 40,503 is used, as shown in Table 7, and an average annual growth rate of approximately 7 percent is applied, membership in the State Bar by 1979 will approximately double the 1968 figure (28,927 to 60,783).

TABLE 7
CALIFORNIA STATE BAR ADMISSIONS
1968-1973

Year	Input	Attrition	Total	Net Change	
				Number	Percent
1968	1,848	-	28,927	-	-
1969	2,278	503	30,702	1,775	6.1
1970	2,611	357	32,956	2,254	7.3
1971	2,594	371	35,179	2,223	6.7
1972	2,909	382*	37,706*	2,527*	7.2*
1973	3,200*	403**	40,503*	2,797*	7.4*
*Estimate			Five year change: 1968-1973	Number	Percent
**1969-1972 average attrition figure				11,576	40.0

Source: Personal correspondence from L. L. Snider, The State Bar of California, November 10, 1972.

SECTION IV

LEGAL MANPOWER DEMAND IN CALIFORNIA

Job Demand and Social Need

As noted in the previous section, while the future supply of lawyers in California cannot be easily measured, the problem of predicting the future demand for lawyers' services is considerably more difficult. Quantitative comparisons of supply and demand are based on formulas and statistical data; much of this kind of information is questionable, if not invalid, since it is generated during a particular economic period and does not reflect long term societal needs. The problem in legal manpower planning is probably not the growing number of young people who want to be lawyers, but the need to develop ways to make it possible for everyone who needs a lawyer to have one. This is a social need.

Betty Votter, Executive Director of the Scientific Manpower Commission, stated the distinction between social need and job demand well when she commented:²⁷

It is vital that we differentiate between "need" and "demand." We need all the trained specialists we can get just to clean up the environment, produce abundant power, reconstitute our melting cities, raise our health standards, conquer diseases, provide adequate transportation systems, and a host of other desirable things. But until the decision is made at all levels to budget one or more of these activities at the level needed to solve the problem, we have not translated our "need" for specialists into "demand," which means jobs.

Lawyer Demand Projections

Turning to the official source of demand data for lawyers in California, the Department of Human Resources Development's publication, California Manpower Needs to 1975, estimates a total demand of 7,100 new

²⁷Votter, Betty, "The Changing Demand for Scientists and Engineers," Western Association of Graduate Schools, March 6, 1972.

lawyers in California during the 1968-1975 time period; 3,300 resulting from new legal service requirements, and 3,800 as replacements due to deaths and retirement.²⁸

If we compare the projected California law school graduate data shown in Table 6 with these figures, the results are an estimated surplus of 12,434 lawyers in California by 1975 if present trends continue. The table shows a total new supply of 19,534 law graduates during 1968-1975, as compared with the Human Resources Development Department's total of 7,100. It should be noted that Table 6 used a 71.5 percent graduation ratio (with the exception of 1972-1975), which quite possibly represents a higher attrition rate than actually will be the case. If the attrition rate turns out to be less than estimated, the total number of graduates will therefore be larger than shown in Table 6, and the surplus of lawyers in California accordingly larger than anticipated. If State Bar admission figures shown in Table 7 are used, rather than projected law school graduate data, the anticipated surplus will still be large. New admission estimates from 1968 through 1973 are 11,576, a figure that is 4,476 in excess of the 7,100 estimated by the Department of Human Resources Development, even without the two additional years (1974-1975).

However, it should be noted that the California Manpower Needs to 1975 publication is considered unreliable in terms of manpower forecasts in California. The assumptions that report uses were made before the 1969-1971 economic recession and are therefore considered inaccurate. The job demand data are consequently unrealistic and not considered valid for purposes of this study. Since their assumptions were based on con-

²⁸Department of Human Resources Development, "California Manpower Needs to 1975," October 1969, p. 112.

tinued economic growth, the number of new lawyers needed from 1968-1975 is probably optimistic, making the estimated surplus of lawyers still larger. However, the publication is considered somewhat useful, if only as a base of departure for comparing legal manpower supply with demand in California rather than predictive purposes.

Lawyer-Population Ratios

As noted in the previous section, the state's lawyer-population ratio is estimated to be one lawyer for every 544 people by the end of 1972 (1:544), a quite favorable figure when compared with the 1:572 national ratio in 1972. Lawyer-population ratios are generally considered inaccurate and somewhat simplistic in terms of determining the adequacy of legal services. However these ratios do represent one comprehensible piece of evidence presently available in an attempt to answer the question of whether California "needs" more lawyers. An earlier Advisory Committee study for the University of California used the lawyer-population ratio to justify expansion of existing state law schools. It therefore seems reasonable to also use it in this study as one criterion of the need for lawyers in California.

Table 7 shows estimated state bar membership of 40,503 for 1973. By using the Department of Finance's 1973 estimate of the state's total population of 20,761,000, the results show a ratio of one lawyer for every 512 persons (1:512), considerably less than the 1972 estimate of 1:544. This figure indicates a small increase in population from 1972-1973 (1.2 percent) and a large increase of 7.4 percent in State Bar admissions. Therefore, based on the present trend toward more favorable lawyer-population ratios in the state, there would appear to be a decreasing

demand for new lawyers.

Rather than doubling the 1967 California population of approximately 19,000,000 by the year 2000, as indicated in a previous law school Advisory Committee report, the Department of Finance now estimates the total California population in the year 2000 will be only 32,267,000, due to falling birth rates and declining net migration to California in recent years.²⁹ If this actually occurs, and there seems to be little disagreement with falling population projections in California, and if the annual production of lawyers also continues at the same rate, the result will be a constant lowering of lawyer-population ratios over the next several years. This could be interpreted as an indicator of less need in the future for additional lawyers in California. At current estimated rates, the state will have twice as many lawyers in 1979 as it had in 1968 (28,927 in 1968; 60,783 estimated in 1979).

Lawyer-population ratios by county can also be used as a further measure of the need for additional lawyers. Table 8 shows the 1972 lawyer-population ratios in the seven counties with the highest concentration of lawyers in the state, as surveyed by the 1968 State Bar Committee on Specialization.³⁰ That survey indicated a heavy urban concentration of the Bar in California. Over one-half of the Bar practice in communities of 500,000 or more. Eighty-two percent practice in seven counties: Los Angeles (42.7%); San Francisco (15.8%); Alameda (5.2%); Orange (5.0%); San Diego (4.8%); Santa Clara (4.5%); and Sacramento (4.0%).

²⁹Department of Finance, op. cit., September 1971.

³⁰Journal, State Bar of California, Vol. 44, March-April 1969, No. 2, p. 142.

TABLE 8
LAWYER-POPULATION RATIOS
OF MAJOR URBAN CALIFORNIA COUNTIES

1972

County	Population	Lawyers	Ratio
San Francisco	685,600	5,009	1:136
Los Angeles	6,966,900	14,438	1:482
Sacramento	668,100	1,391	1:480
Alameda	1,095,800	1,884	1:581
San Diego	1,448,300	1,900	1:762
Santa Clara	1,140,800	1,493	1:764
Orange	1,565,200	1,668	1:938

Sources: Population as of July 1, 1972 from the California Department of Finance, Population Research Unit, August 18, 1972; Lawyer data from the California State Bar, as of February 16, 1972.

As shown in Table 8, with the exception of three counties (San Diego, Santa Clara, and Orange), the lawyer-population ratios in 1972 are exceptionally good when compared with national and state averages. If the state's population continues to grow only slowly, as predicted, and its law schools actually produce as many lawyers as shown in earlier tables, in all likelihood these county ratios will also tend to decrease proportionately.

Long-term Data

Another index to later market demand for lawyers is the occupational opportunities available to law school graduates. Although data with respect to actual placement of law school graduates are apparently diffi-

cult to obtain from the state's law schools, some evidence is available that the market for the job entry lawyer interested in the traditional practice of law is beginning to tighten. Stanley Johnson, Executive Director of the Los Angeles County Bar Association, in an informal interview relating to the Association's Lawyer Referral Service, indicated there was "substantial evidence of a general slow-down in placement activity," as measured by the Service's present and historical success ratios in placing recent law school graduates with law firms in the region. The same pessimistic reaction was obtained from the San Francisco Bar Association's Lawyer Referral Service, where there seems to be "a very strong indication of an existing surplus condition and a possible saturation point being reached sometime during 1972 or 1973." This is easily understood after examining the 1972 lawyer-population ratios in those counties, as shown in Table 8. The same situation was also reported in San Diego County.

Although these data are not conclusive enough to be considered representative of the entire state's lawyer placement market, or to reflect adversely upon the well-known history of job placement success by graduates from the more prestigious private and public law schools like Berkeley, Stanford, UCLA, and Hastings, such data could indicate the initial surfacing of a serious job market problem for new law school graduates. Lawyer placement activity is indeed an important variable in the overall supply and demand problem. It needs further study by all concerned, especially during the next several years when law school graduate output will be at its highest peak.

Distribution of Law School Graduates

It is widely known that most law school graduates in California and other states enter the traditional, or private practice of law, either as individuals, partners in private law firms, or in job entry level status as associates with these firms. If the market for lawyers who wish to practice in traditional ways is already beginning to harden in certain areas of California, the same problem will no doubt occur in other regions as well, especially as lawyer-population ratios continue their downward spiral.

Table 9 shows the distribution of law graduates from selected California law schools by practice situation in 1970. The trend toward the private sector of law by graduates from each of these institutions seems indisputable. With an annual estimated California bar admission input of more than 2,500, as noted earlier in Table 7, it seems highly unlikely that the private sector of law practice will be able to absorb the historically large proportion of students who wish to practice law in the traditional manner. Further, it does not seem likely that the other types of practice, i.e., government and employment by private industry, or the non-law related occupations (business, politics, public administration, banking, etc.) will be able to accommodate the significantly larger number of law school graduates than historically has been the case.

Current Trends Affecting Demand

In analyzing current trends that may affect the demand for legal services, it seems clear that the legal profession and the nature of legal practice itself are presently in a period of considerable change. Certain events may increase the demand for one type of legal practice,

TABLE 9

DISTRIBUTION OF LAW GRADUATES
FROM SELECTED CALIFORNIA LAW SCHOOLS
BY PRACTICE SITUATION IN 1970

School	Government Sector		Private Practice		Employment by Private Industry	
	Total Graduates	% of Total Graduates	Total Graduates	% of Total Graduates	Total Graduates	% of Total Graduates
Berkeley	628	16.5	3,051	80.0	330	8.7
UCLA	333	14.9	1,882	84.2	144	6.4
Hastings	702	17.9	3,121	79.4	207	5.3
USC	475	12.5	3,054	80.6	260	6.9
Cal Western	60	18.5	254	78.1	22	6.8
Loyola	225	13.7	1,390	84.5	132	8.0
Stanford	379	12.1	2,628	83.4	324	10.3
Southwestern	235	12.0	1,632	83.7	97	5.0
USD	76	20.8	286	78.1	19	5.2

Source: American Bar Foundation, The 1971 Lawyer Statistical Report, Chicago, 1972.

Notes: The column "government," includes executive and legislative, city or county, state, and federal government law practice. The column "private," comprises private practice as an individual, in partnership, or as an associate of a private law firm. The column "employment by private industry," includes employment as a lawyer in private industry, educational institutions, or other private employment.

while at the same time reducing demand for another. In presenting a brief summary of factors that may decrease demand for lawyers, it is recognized that these factors are not exhaustive nor do they take into account unexpected events that are also likely to exert substantial influence in the future.

The American Bar Association's Task Force on Professional Utilization focused on this point when it stated:³¹

The level of economic activity clearly influences the demand for legal services. One of the difficulties in analyzing this factor is that shifts in the levels of economic activity may cause not only shifts in the total demand for legal services, but shifts in the kinds of services which are required. To cite an obvious example, a major economic downturn may decrease the demand for lawyers practicing in the securities field, but will likely increase the demand for lawyers knowledgeable in bankruptcy law. In addition to a general decrease in demand which may accompany a decrease in economic activity, the net effect of such shifts may depend on the relative productivity of the groups of lawyers involved.

In a similar way, shifts in the basic orientation or goals of the economy will alter the pattern of demand for legal services and the level of demand. For instance, if a major cut in defense spending were to release government funds which were then applied to large-scale domestic programs, such as the rehabilitation and reconstruction of urban centers, the demand for one kind of legal service would diminish and the demand for another increase.

The fact that some observers attribute a portion of the increase in demand for legal education to diminishing employment opportunities in other professional areas is demonstrative of one aspect of the relation of the legal profession to the economy at large.

Without the benefit of reliable legal manpower supply and demand data from either the state or federal government, is there cause for alarm in California? There are a number of trends that indicate an affirmative answer to this question. First, demographic projections suggest that the national population will increase by no more than 10 percent in the next

³¹American Bar Association, op. cit., p. 20.

decade, a percentage increase far below the projected increase in lawyers. The Lawyer Statistical Report series, published by the American Bar Foundation and based in large part on material supplied by Martindale-Hubbell is an important source of statistical information concerning the profession in general. The report indicates that in 1970 there were 355,242 lawyers in the U.S. In 1960, there were 285,933 lawyers in the U.S. and in 1951, there were 221,605.³²

The increase in the number of lawyers in the U.S. has, of course, been accompanied by an increase in the general population. It would appear, however, that the number of lawyers has grown at a faster rate than the rate at which the general population has grown. In 1951, there was one lawyer for each 696 members of the general population, and by 1970, there was one lawyer for every 572. Between 1966 and 1970, the general population increased by 3.2 percent, while the number of lawyers increased by 12 percent.

In California, the combined effect of fewer births and reduced net migration has resulted in downward adjustments in population projections. From a high of 356,000 net migrations in 1962-63, the level has shown a steady decline to a low of only 29,000 in 1969-1970. For the period from July 1, 1970 to July 1, 1971, net migration was estimated at 44,000. Population growth has slowed to an annual rate of 1.2 percent from 1970-1972 (20,025,000 to 20,524,000).³³

Secondly, new patterns of legal delivery systems are resulting in different solutions to the problem of legal services for those who need

³²American Bar Association, "Final Report of the Task Force on Professional Utilization," August 1972, pp. 16-17.

³³California Department of Finance, op. cit., p. 1.

them; the elimination or substantial reduction of the need for lawyers in particular areas. Dean Schwartz indicates that surveys of the legal profession have pointed out that personal injury, domestic relations, and probate are in the top group of the types of legal problems that involve the time and produce the income of the privately practicing bar. Personal injury litigation is reported to account for 15-20 percent of the revenue of the bar. Yet, these are the very areas in which there is the greatest pressure to reduce the transactional costs; in the main, attorney's fees.³⁴

No-fault insurance for automobile accidents has established a solid foothold, and despite the opposition of certain bar specialties, will probably eventually come to pass in California and throughout the United States. The objective of no-fault insurance legislation is to simplify the settlement of personal injury and property damage claims arising from automobile accidents. Some states have already passed such legislation and enactment of a no-fault law in Wisconsin is seen as a near certainty early in the 1973 legislative session.³⁵

In Massachusetts, which has had a no-fault law for about one year, the effect has already been that of lessening litigation, possibly by as much as 25 percent. The Massachusetts Bar Association also reports a diminution of negotiations, with automobile insurance companies settling more promptly. Overall, there has been a substantial effect on the legal profession, especially on the marginal attorney who earned between \$10,000-\$15,000 annually in the automobile tort claims area.³⁶

³⁴Schwartz, M. L., op. cit., p. 70.

³⁵The University of Wisconsin System, "Report of the New Law School Study Committee," November 6, 1972, p. 5.

³⁶Ibid.

California, as well as Colorado, Florida, Iowa, and Michigan has already adopted "no-fault" divorce laws, an essentially administrative matter between the two parties which does not require the services of a lawyer. Simplification of the administrative probate system is high on legislative agendas and, even if this does not come to pass, probate is the most common area for which paraprofessionals are being trained. However, some observers believe that paralegal personnel will be increasingly employed as a means of lowering the costs of legal services, improving the quality of group practice, and releasing attorneys to work on more complex legal duties, rather than reducing the need for lawyers.

In assessing all these factors affecting the decreased demand for lawyers in the next few years, Dean Schwartz therefore concludes that there is, indeed, a problem in the legal manpower area.³⁷ In fact, of the eight private and public law school deans interviewed during this study, only one did not forecast a serious oversupply of lawyers in California, probably within the next three years, for the reasons already cited.

Social Needs

Although generally pessimistic about the prospect of impending legal manpower imbalances, Dean Schwartz suggests that the "needs for legal services of the poor, both criminal and civil, indicate that, with appropriate Federal funding, a significant number of new lawyers can be employed."³⁸ According to a national news magazine, the Federal Office of Economic Opportunity (OEO) has increased the emphasis in this area and gone beyond

³⁷ Schwartz, M. L., op. cit., p. 70.

³⁸ Schwartz, M. L., Ibid.

the services offered by bar associations. The OEO now has 1,800 government paid lawyers in 850 neighborhood offices in 285 communities and serves about a million clients annually.³⁹ However, in California, while the labor market demand for attorneys engaged in Community Action Programs for these groups has apparently stabilized, the large unmet need is still very great. At present, in California there are only 338 attorneys serving a poverty population of 3,005,930, or one attorney for each 8,893 poverty level person.⁴⁰

Prepaid legal and group legal services, if successful where they are now being tried, could substantially increase the long term demand for attorneys. Some labor unions are experimenting with prepaid plans, where an attorney is pre-selected for the client. Group legal plans offer free choice of attorneys. Although both plans utilize paralegal personnel, it is expected that the spread of such programs will serve to increase the need for attorneys. Middle class clients, those who are classed as "legally indigent," because they earn too little to afford high-priced counsel, and too much to qualify for free federal legal services, may want group or prepaid legal plans. These would be similar to those now offered under group hospital and surgical insurance policies.

Further, the Supreme Court of the United States, in the Argersinger vs. Hamline decision (June 1972) ruled that all persons accused of a crime that upon conviction could involve a jail sentence are entitled to a lawyer. While the effects of this decision are not yet evident, it is expected that the long range result will be to increase the need for

³⁹U. S. News and World Report, February 8, 1971, p. 33.

⁴⁰Directory, Office of Legal Services, Region IX, San Francisco February, 1972.

attorneys and to further reduce the crisis workload in the courts.

In the field of environmental protection, legislation has created new agencies at the federal, state, and local levels to deal with water, air, and noise pollution, solid waste disposal, and related environmental problems. These new activities are already generating some demand for lawyers trained in environmental law and litigation.

In the consumer law movement, led by Ralph Nader and others, this effort is still small but growing and already producing a demand for lawyers interested in social reform.

Criminal processes are badly understaffed on both the defense and prosecution sides. Rising crime rates have resulted in substantially increased workloads in the courts with accompanying demand for attorneys. Also, the nation's courts are currently in a saturated condition with serious backlogs of cases existing in many courts. New courts are being created to accommodate the demand. More attorneys will be needed to provide needed staff assistance in these new courts and in the overloaded existing courts.

When viewed from the long term perspective, there are other possibilities for affecting an increased demand for legal services that seem to be on the horizon. For example, to the extent that these social needs for legal services are perceived as a matter of national policy that must be satisfied, and therefore requiring high priority in funding, there could be increased federal employment and subsidy of lawyers beyond the present 1,800 lawyers in OEO programs alluded to before. That number could be multiplied many times. In fact, some advocates for the poor maintain that it would take the full time of the entire membership of

the American Bar Association to handle adequately the legal problems of the poor. However, such a subsidy would require federal government spending on a truly massive scale. That does not appear realistic in a decade in which the government is attempting to contain inflationary pressures by holding federal spending down.

SECTION V

NEED FOR ADDITIONAL LAW SCHOOLS IN CALIFORNIA

Introduction

The central focus of this study has been to determine whether there is a need for additional law schools in California. Based on all the available data there is ample evidence that California's twenty public and private ABA approved or state accredited law schools are presently producing an adequate number of lawyers to meet the needs of the public. During the next several years, without increasing the number of law school students already enrolled in fall 1972 classes, there is also sufficient evidence that the California bar will undergo serious economic problems caused by an oversupply of lawyers. Therefore, the production of an increased supply of new lawyers by establishment of additional law schools cannot be justified on any rational basis. To do so would not be in the public interest at the present time.

During the past few years several Presidential Advisory Committees of the University of California have reached different conclusions regarding the need for additional state supported law schools in California. In each of these committee reports, justification of need for new law schools has been made essentially on the basis of ever-increasing student demand for legal education. In accordance with the Master Plan for Higher Education, the University has the responsibility for professional training and, in accordance with its long-standing policy of attempting to provide universal opportunity and access to higher education, law school Presidential Committees of the University have paid very close attention to large and growing student demand for legal education. The

general conclusion of each of these committees has been that existing law schools in California are unable to meet increased application pressures for legal education because of their limited capacities. The effect of this situation has been to deny legal education to large numbers of qualified California students.

In an effort to understand the reasons for these differing conclusions, a brief review of previous University of California Presidential Committee reports and proposals for new law schools is necessary.

Law School Advisory Committee Reports

An examination of these documents reveals certain general shortcomings in terms of their analysis of need for additional law schools at the present time.

1. Previous advisory committee reports were either prepared prior to or during the 1970-1971 economic recession in California, which also occurred nationally, thus without knowledge of the significant impact that the state's economy is likely to have on the future demand for legal services in California. The present University proposal for a Santa Barbara law school also fails to deal with this highly important economic variable. In fact, the present proposal essentially uses the same rationale for a law school as that adopted in 1970 by Assembly Concurrent Resolution No. 81, which was just prior to the recession.
2. Very little serious study was made in these committee reports of the changing industrial and demographic patterns in California that have occurred during the past several years, partially as a result of the economic recession.

3. The question of public need, or "labor market demand" for lawyers in California has been essentially taken for granted, without proper regard for changes now occurring in the legal profession or changes that are likely to occur in the future in terms of legal delivery systems.

For example, the 1971 Advisory Committee report predicted "an increased need for lawyers due to the trend for increased use of lawyers' services, i.e., recent judicial decisions affecting indigent defendants, expansion of legal services for the poor, and more use of lawyers' services by middle-income groups." The report also concluded that the "state's population and economic growth were still very much with us and agreed with the 1968 Committee report that, by the year 2000, the number of lawyers in the state should be doubled." However, as discussed in the present study, these types of increased needs for lawyers' services are more likely to occur in the long term, rather than in the immediate future. Some needs, like expansion of legal services for the poor, are "social needs," unless they can be translated into job demands for lawyers by substantial increases in public funds, either by the federal or state government, an unlikely possibility at the present time.

The present study of the question of need for additional law schools, unlike previous Advisory Committees, considered the state's economy, its changing demographic trends, student demand for legal education, statistical projections of legal manpower supply and labor market demand, and the informed opinion of a number of legal educators. The results are

therefore sharply different than the earlier Advisory Committee reports in terms of the conclusions reached with regard to the need for additional lawyers, and consequently the need for new or expanded law school facilities in California.

Turning to the State's economy, it has been noted earlier by the American Bar Association's Task Force on Professional Utilization that "the level of economic activity clearly influences the demand for legal services." California experienced a recession in 1970-1971 comparable to the downturn which occurred nationally. The recession emphasized that there have been basic structural changes over the past several years, e.g., a steady overall average unemployment rate in the State of 6 percent, at times reaching 7 percent, thus invalidating prior trends.

Industrial expansion patterns and population growth, for instance, which are primary elements in legal demand projections, have undergone significant changes in California recently. Therefore, long-term projections by both the 1968 and 1971 Advisory Committees, using the 1961 Committee's lawyer-population ratio of 1:700 as a constant in making estimates of future need requiring a doubling in the number of lawyers by the year 2000 are no longer valid.

The decline in the aerospace industry, which has been underway since 1967, has sharply limited the relative importance of that industry in the manufacturing community and led to a 30 percent reduction in employment over the past four years. Between mid-1971 and mid-1972, it is estimated by the California Department of Finance that the total resident population of the state rose by only 1.2 percent, when historically the rate had been 4.1 percent in the 1950's due in large measure

to substantial net migration to California.

Rapid population growth stimulates economic development. A slower growth rate has the opposite effect. Population and economic growth therefore tend to be self-reinforcing over time. In view of these facts, the combined impact of a slower rate of population increase and a sluggish economy in California will tend to have a decreasing effect on at least the short-term demand for legal services. For example, the prospect of obtaining additional federal or state funds in the near future for expansion of legal services to the poor in California, thus increasing the demand for lawyers, is hampered by the present economy.

Santa Barbara Law School

Turning to previous proposals, including the present one for a new University of California law school to be located on the Santa Barbara campus, several points need to be emphasized.

1. In 1961 a University Presidential Committee recommended that a new law school be authorized for the southern part of the state during 1970-1975. That recommendation was based largely on an assumed lawyer-to-population ratio of 1:700 and projections of population growth in the state as of that time. The results of the present study showed that California is considerably ahead of those projections already. At the moment the ratio is 1:544, a quite favorable figure when compared with the 1:572 national ratio. In 1973, this ratio is expected to further lower to 1:512, due to a relatively small increase of 1.2 percent in the state's population from 1972-1973 and a large increase of 7.4 percent in new California State Bar admissions.

The ever-increasing number of new lawyers presently being produced each year and the 7 percent annual average rate of growth in State Bar admissions, coupled with the slowly increasing population in California will tend to accelerate a further drop in the lawyer-population ratio in California during the next several years. On this assumption, it can safely be concluded that there will be less need in the future for increasing the supply of lawyers in California, and consequently no need for additional law schools at the present time.

Although lawyer-to-population ratios are somewhat simplistic, since they do not address the problem of proper and effective lawyer distribution within the state, they are a frequently used indicator of the adequacy of legal services on a statewide basis. It is clear that there are segments of the population in California for whom adequate legal services are not accessible, whether for reasons of geographical proximity or cost. This is true of rural areas in the state and ghetto communities in the large urban areas. The total lawyer population, as noted earlier in this report, is not evenly distributed around the state, much like medical doctors and nurses who tend to practice in large urban areas. However, the problem of better lawyer distribution will not automatically be alleviated by creating another law school. No guarantees can be made that its graduates will voluntarily practice in rural areas, or serve the needs of the poor in the inner cities unless financial incentives are also provided, such as forgivable loans to students who go out to practice for specified

periods in areas of lawyer scarcity or in poverty programs.

2. As noted earlier, the 1968 Presidential Committee suggested that since the population of the state would double by the year 2000, the lawyer population should similarly double in that period.

At current rates, the results of this study indicate that the California State Bar will double its 1968 membership (28,927) by 1979 (60,783). All the data obtained in this study support the conclusion that, without increasing the supply of law school graduates, there will be an oversupply of lawyers during the next several years, probably no later than 1975, particularly in traditional fields of legal practice, and in some geographic areas of the state. Thus, the creation of another law school at Santa Barbara would only aggravate the anticipated California imbalance in legal manpower supply and demand.

The present study, then, is in substantial disagreement with the assumptions made in the Santa Barbara proposal, as well as previous advisory committee reports, that there is a trend toward increased public need for lawyers, especially during the immediate future. The present 20 law schools are now generating more lawyers than can be absorbed in the state's economy, especially with the arrival of "no-fault" insurance laws, "do-it-yourself" divorce procedures, the growth of paraprofessionals, and other changes in legal delivery systems.

3. The 1968 Committee also recommended a new University law school in the southern part of the state, but at Riverside, not at Santa Barbara. If the present study had resulted in a justification

for an additional state supported law school, a determination of its location would indeed be an important aspect of the study. For purposes of discussion, assuming that there is a need, it appears there are other areas in the state that have higher "public need" priorities than Santa Barbara.

For example, Riverside County, with a July 1972 population of 485,700 and 353 lawyers has a resulting lawyer population ratio of 1:1376, as compared with Santa Barbara's 1:753 ratio (269,600 population; 358 lawyers).⁴¹ Even when combining the tri-county area of Santa Barbara, Ventura, and San Luis Obispo, the resulting ratio is 1:1057 (790,600 total population; 748 lawyers), as compared with Riverside's 1:1376. When Riverside is combined with San Bernardino County, the result is 1:1534 (1,185,400 population; 773 lawyers). Orange County, with only one state accredited law school (Pepperdine University) and one provisionally accredited school (Western State University at Anaheim), continues to be the largest gainer of population of California's counties, with increases of 64,600 and 68,500 for fiscal year 1971 and 1972, respectively.

The present lawyer-population ratio in Orange County is 1:938 (population 1,565,200; lawyers 1,668). With rapid increases in growth projected to 1980 and 2000 for Orange County, it would appear that if a new law school were to be established anywhere, at some future time, Riverside or Orange County would have

⁴¹ California Department of Finance; California State Bar, op. cit.

greater public needs than the tri-county area surrounding Santa Barbara, where future population projections show less rapid growth.

4. An earlier section of this report indicated that large numbers of highly qualified California residents were being denied admission to the four state schools. For example, it was estimated that "at least 50 percent of those who apply are well-qualified (i.e., they have a 3.0 GPA or above and a LSAT score of 600 or over). However because of the strong competition for places, a student is in the 'denial range' if he has a GPA below 3.6 and an LSAT score below 650,"⁴² At least 1,500 applicants to Berkeley this year were qualified on the 650 plus LSAT and 3.6 plus GPA basis, yet only 271 students were enrolled in the first year class.

As a matter of inter-school prestige within the University of California, it is extremely doubtful that any new law school, such as the one proposed for Santa Barbara, could be established that did not measure up to the existing law schools in physical plant, library, faculty and program. In fact, the present proposal emphasizes this to a considerable extent. Using the Davis campus as an example, since it is the most recently established, a new law school at Santa Barbara about the same size as Davis is unlikely to cope with the "numbers" problem effectively. What it will probably do is give another choice to a small number of highly qualified applicants who already have their choice of Harvard, Stanford, Berkeley, UCLA and Davis. The "middle group," those

⁴² Office of the President, op. cit.

well-qualified in former years to be admitted to these schools, but now denied access because of much higher entrance standards, will still not qualify for the proposed Santa Barbara law school since it will probably have the same extremely high requirements for admission as the others.

5. In terms of affording immediate relief to students who are now unable to gain admission to the state supported law schools, which is presumably one of the needs it is designed to serve, the Santa Barbara proposal fails to demonstrate how that objective would be accomplished. Although the 1973-1974 Regents' Budget provides for initial start-up costs and the salary of a full-time Dean, library acquisitions, and supporting costs, the first class of 100 students is not scheduled to commence their law school studies until 1975-1976. They will be augmented by another 100 in 1976-1977 and still another 100 in 1977-1978. Thus, starting in 1973-1974, the proposed Santa Barbara law school will produce approximately 100 lawyers (zero attrition anticipated) by June 1978, five years from now, at a time when the predicted overabundance of lawyers in California will be an actuality.
6. From strictly a cost standpoint, the Santa Barbara proposal is considered more expensive than is justifiable. Although capital outlay funds for construction are not included in the Regents' Budget, it is inevitable that sooner or later such funds would be necessary to maintain equal prestige with the other state law schools. Using Davis as an example of what these costs might be, the 1966 capital outlay for that school was \$2,682,000 from State

appropriations. This does not allow for inflationary increases in building construction since 1966, a highly unlikely situation.

Therefore, starting with the 1973-1974 initial start-up budgeted costs of \$531,871, the five-year budget totals \$2,473,944. If the \$2,682,000 for capital outlay (1966 Davis costs) is added, the total estimated costs over five years would be \$5,155,944. In other words, to produce an additional 100 new law school graduates by 1978, the estimated costs could range from approximately 2.5 million to more than 5 million dollars. It would therefore appear that a number of other alternatives might cope with the "numbers" problem more adequately, more rapidly and at less cost than establishing a new law school at Santa Barbara.⁴³

7. Finally, the justification for the Santa Barbara proposal rests heavily on the need to offer professional school programs as a means of building up presently falling undergraduate enrollments, and on the report of the Trow Commission following the Isla Vista riots. The Commission recommended an increase in the percentage of graduate students relative to total campus enrollment. These considerations, while worthy ones, obviously have no relationship to the need for more legal education in the State.

Hastings College of the Law, San Diego

A Hastings College of the Law proposal for establishment of a San Diego branch campus was previously submitted to the Legislature

⁴³ California Department of Finance, Budget of the Board of Regents, University of California, October 1972.

during its regular 1972 session. The proposal requested \$278,000 for initial start-up costs for first year campus development. This budget item was subsequently eliminated from the Governor's budget. However, it is appropriate to comment on that proposal in this report since (1) it obviously had some serious consideration, and (2) the proposal was submitted prior to the completion of the present study and is based on the same assumed need for additional law schools in California as the Santa Barbara proposal. Therefore, the results of this present study show the same substantial disagreement with the Hastings law school proposal for establishment of the San Diego branch campus for the following reasons:

1. As noted earlier, at the present time all University of California law schools have space for only the "exceptionally qualified" - at least in so far as qualification can be determined by recourse to undergraduate grades and aptitude tests - and there is a heavy emphasis on faculty responsibility for research and for publication. In legislation introduced at the 1970 session, reference was made to "the educational approach used by the Hastings College of the Law in San Francisco" and the phrase, "establish a law school on the Hastings model" has been used. It is suggested that the reference to the Hastings model and the Hastings educational approach is misplaced, and that the Hastings educational approach in 1972 is, for all practical purposes, indistinguishable from the educational approach at any other University of California law school. For example, in terms of its standards for admission, retention rates during the past three years, bar admission data,

placement success, and other relevant information, Hastings is comparable, except perhaps, for the type of faculty it uses and, to a lesser extent, the nature and scope of its instructional program.

The fact is that the prestige enjoyed by all the University of California law schools at Berkeley, Los Angeles, Davis and Hastings in San Francisco, and the extremely low tuition charged residents of the state of California, make these schools the first choice of so many applicants that admission must be limited to a highly selected few. For this reason, another University affiliated school in the San Diego area would not meet the needs of those highly qualified students who are now being turned away because of extremely high standards (LSAT and GPA) at the other state schools. A Hastings branch campus in San Diego would merely provide another choice for those top students who now have their choice of Berkeley, Hastings (San Francisco), UCLA, Davis, Harvard and other top quality schools.

2. The same criticism can be made of the Hastings proposal, in terms of its assumed need for additional state supported law schools, as was made of the previous advisory committee reports (See numbered items 1-3 under "Law School Advisory Committee Reports" in this section of the report).
3. The expansion or addition of publicly supported institutions, such as the proposed Hastings branch campus in San Diego, to the degree that the continued operation of the two private ABA approved law schools already in existence and seemingly serving

the San Diego community well would be jeopardized, is not considered to be in the best interest of the State. California Western University law school, with a fall 1972 full-time day enrollment of 460 students, and the University of San Diego law school, with a total full-time and part-time enrollment of 877 students, are institutions whose best interests would not be served by the location of a state supported law school in the San Diego area. Although only with preliminary accreditation at the present time, the San Diego campus of Western State University Law School, with a total part-time enrollment of 700 students, represents another portion of the total legal education resources currently available in the San Diego area. However, it is recognized that its part-time program and different student constituency are not the same as those of a University law school like Hastings and would therefore not be in direct competition with it for students, at least initially.

The private colleges and universities constitute a considerable public resource. These institutions are now in considerable financial trouble, as are most of the nation's private colleges and universities. Rising costs have forced tuition increases and have sharply curtailed undergraduate and graduate school enrollments. Most are operating on limited budgets and some may be forced to close if enrollments continue to fall. As an essential partner in California's system of higher education, the two private accredited law schools in San Diego offer a diversity of educational resources, facilities, and programs. In fact, according to the

deans of these schools, many law students who cannot gain admission to state supported schools are now enrolled in their institutions.

Because of its prestige and lower student costs, the opening of a Hastings branch campus in the San Diego area would also tend to draw a substantial number of top quality students away from California Western and the University of San Diego. This would result in a reduction of quality in the total student body enrolled in these insitutions, cause faculty recruitment and retention problems, a general lowering of the overall quality of their educational programs, and seriously threaten their future viability, at least from a financial standpoint.

SECTION VI
CONCLUSIONS AND RECOMMENDATIONS

Conclusions

1. Student Demand

With respect to the current demand for legal education, the evidence is conclusive that student demand, as reflected in requests for admission and enrollments at the 4 state supported law schools, exceeds the capacity of these institutions to provide instruction within their present operating budgets. The same situation exists at the 16 private ABA approved or state accredited law schools, and at every other law school in the nation.

However, with additional operating budget increases for faculty augmentation and supporting services, three of the state schools (Berkeley, Davis, and UCLA) could expand to their planned maximum capacities, thus providing for approximately 200 additional student spaces, if such expansion were necessary. At several private law schools in the state, with additional outside funds to support faculty augmentation and the necessary supporting services, small enrollment increases of perhaps 10 percent could be accommodated within existing physical facilities.

During the last three years, the State's 17 ABA approved or accredited law schools' total enrollment increased by 5,413 students, or 84.1 percent, while total first year enrollment rose 2,047 or 73 percent. In 1972, with the addition of 3 more state accredited law schools, the total estimated fall 1972 enrollment was 14,072 for all 20 law schools, with first year enrollment estimated to be 6,047 students. If present trends in student demand and projected law school graduations continue,

approximately 4,000 students will be graduated from the State's 20 accredited law schools each year, beginning in 1975. Graduates from the State's 20 private unaccredited law schools will add to this total. However, the actual number is difficult to predict due to problems in obtaining statistical data from these schools.

On the national scene, a remarkable growth in law school enrollment was noted, more than doubling from 1960-1971. If present trends continue, the American Bar Association's estimate that the law profession will approximately double by 1985 seems highly probable. In California, State Bar admissions indicate that its 1968 membership of 28,927 will reach 60,783 by 1979, if present trends continue.

No conclusive evidence was found in this study as to whether the demand for legal education will stabilize, decline, or continue at its current high level. In fact, there are conflicting opinions in this regard. Preliminary indications derived from fall 1973 applications for the Law School Aptitude Test (LSAT) show at least the same demand for entry in 1973, although it is still too early to make a precise forecast. However, fall 1972 national enrollment data from the ABA approved law schools show a surprising 5.3 decrease in first year, full-time enrollments, and a 10.7 decrease in part-time enrollments.⁴⁴ This is considered significant and may be due to deliberate actions of the law schools to control admissions. On the other hand, it may also mean that the spiraling demand of the past three years is stabilizing and perhaps even beginning to decline. Since the difficulties in gaining admission to law

⁴⁴Correspondence from Millard H. Ruud, Consultant to the American Bar Association, October 18, 1972.

school have been widely publicized, large segments of the relevant student population may now be showing their discouragement; the result being a smaller percentage who have tried for admission.

The results of this study are in concurrence with the earlier advisory committees to the President of the University of California that the 20 private and public law schools in the state, either approved by the American Bar Association or accredited by the California Committee of Bar Examiners, are presently operating at near peak capacity but are unable to satisfy ever-increasing student applications for legal education in California. Large numbers of apparently highly qualified California students, who would have been admitted to University law schools in prior years are now excluded because of space limitations. Except for some minority students admitted under a special Legal Education Opportunities Program (LEOP), only applicants with top grade point averages in undergraduate work and superior scores on the Law School Admission Test (LSAT) are being admitted.

Although insufficient evidence was obtained during this study to make a general conclusion, it appears reasonably certain that a considerable number of students who are being denied admission to the state supported law schools are enrolling either in private ABA or state accredited law schools, or in some of the 20 unaccredited law schools presently operating in California.

In examining the nature of the demand for legal education during this study, information as to the number of students who do not wish to become lawyers in the traditional sense, i.e., practice law, was not available due to time constraints and data limitations. However,

informed opinion and interviews with the law school deans who participated in the study led to the tentative conclusion that, with the exception of the accredited part-time schools, the percentage of students now enrolled in the State's 20 law schools who wish to use legal education as preparation for careers in a number of non-law related fields (business, public administration, politics, government, etc.) is relatively small, when compared with total enrollments. However, this is entirely speculative and more data are necessary before general conclusions can be reached.

2. Public Need for Lawyers

An examination of all the factors that may influence the demand for lawyers in California leads to several conclusions that can be made with confidence. First, there is little question that there are large, unmet societal needs for increased legal services. For example, as noted earlier in this report, there are only 338 attorneys in California serving a poverty population of 3,005,930, or a resulting attorney-population ratio of 1:8,893. This is almost an impossible situation if the needs of the State's poverty population are to be met.

Prepaid and group legal services for middle income people, consumer litigation, and environmental law are also potential sources of increased demand for legal services. However, some of these changes in legal practice are now only in the experimental stage in California and in the nation, and therefore must be considered long-term rather than immediate sources of increased demand for lawyers. Other sources of increased demand, such as expansion of legal services for the poor, will require massive financial support in order to meet the needs of the people who

require these legal services, a highly unlikely possibility during the next few years.

Secondly, the results of this study showed the state's lawyer-population ratio to be 1:544 in 1972, a quite favorable figure when compared with the 1:572 national ratio. In 1973, this ratio is expected to lower to 1:512, due to relatively small growth in the state's population from 1972 (1.2 percent) and a large estimated increase of 7.4 percent in new California State Bar admissions. The ever-increasing number of new lawyers presently being produced each year and the 7 percent annual average rate of growth in State Bar admissions, coupled with the more slowly increasing population in California will tend to accelerate a further drop in the lawyer-population ratio in California during the next several years. On this assumption, it can be safely concluded that there will be less need for additional lawyers in California, at least in the immediate future. Consequently, there appears to be no need to further increase the capacity of law schools to produce more lawyers at the present time.

Third, based on a comparison between the projected supply of new law school graduates in California, with the California Department of Human Resources' estimate of demand for lawyers from 1968-1975, the results indicated an estimated surplus of 12,434 lawyers in California by 1975, if present trends continue, unless new demands for legal services appear during that time period. Projections of State Bar admissions to 1975 are in substantial agreement with these findings.

Fourth, although there is no demonstrable evidence, all the data obtained in this study support the conclusion that there will be an

oversupply of lawyers during the next several years, probably no later than 1975, particularly in traditional fields of legal practice, and in some geographic areas of California. This appears to be almost certainty since the conclusion is based upon the total number of students who are already enrolled in the State's law schools, rather than extrapolations of future enrollments. This conclusion is therefore in substantial agreement with a similar conclusion reached by the American Bar Association's Task Force report when it stated:⁴⁵

State and local bar associations and law schools should inform the public that there may not be sufficient positions in the near term in some traditional fields of legal practice or in some geographic areas for all those who may seek such positions and should further investigate and publicize the developing areas in traditional practice and otherwise which offer new opportunities.

In the long term, of course, the labor market will have its natural effect. The number of practicing lawyers will ultimately correspond to the demand for their services. Until this comes about, however, there is likely to be a reduction in the average income of members of the California State Bar, with a large amount of underemployment, involuntary pressures to enter non-law related occupations, and considerable resentment from thousands of frustrated law school students who are trained in law skills but are unable to find employment in traditional law practice.

3. Need for Additional Law Schools

Based on all the available data obtained in this study, there is sufficient evidence to conclude that California's twenty accredited law schools, even without including graduates from approximately twenty

⁴⁵American Bar Association Task Force on Professional Utilization, op. cit., p. 1.

unaccredited schools in the state, are now producing an adequate number of practicing lawyers to meet the general legal needs of the public.

During the next several years, without increasing law school enrollments beyond the number who are already enrolled in fall 1972 classes, the results of this study indicate that the California bar will undergo serious economic problems caused by an overabundance of lawyers who wish to practice law. Therefore, increased production of new lawyers by establishment of additional state supported law schools cannot be justified on any rational basis at the present time.

As noted in the previous section of this report, even if the necessary evidence had been obtained to support the establishment of additional state supported law schools in California, the proposals for a new branch campus of Hastings College of the Law in San Diego and a University law school at Santa Barbara cannot be justified on any rational basis, for a variety of reasons.

With respect to legally trained California students who do not intend to practice law in the traditional manner but who are desirous of applying their legal training in non-law related occupations, insufficient evidence was obtained in this study to support the contention that new state supported law schools should be established in order to meet this type of student demand.

Although the severe time constraints imposed on this study and insufficient data precluded a careful analysis of other viable alternatives to establishing new state supported law schools, such alternatives are believed to exist. If, in the future, the State's needs for additional law schools change from those indicated in this study, the

following alternatives would appear to be worthy of careful study since they would obviously cope with the "numbers" problem more adequately, more rapidly, and at considerably less cost than establishing new law schools at the University level:

1. Increases in the operating budgets of the four existing state supported law schools to provide for expansion of present student enrollments to planned maximum capacities.
2. Opening of evening, part-time divisions in one or more of the existing state supported law schools, thus significantly reducing the expensive costs involved in developing a new law library, recruitment of an entirely new faculty, and the necessary additional administrative costs of a new facility.
3. State contracts with private accredited law schools who already offer educational programs of high quality and have substantial assets in terms of available legal education facilities, law libraries, and the necessary faculty.
4. Partial scholarships, grants-in-aid, or State subsidies to qualified students who cannot gain access to state supported law schools but who would be able to attend private schools if the necessary financial aid were provided by the State.

Recommendations

1. The State should not establish additional law schools in California at the present time.
2. University of California law schools should inform all prospective and currently enrolled students that there are likely to be in-

sufficient positions in the immediate future in some traditional fields of legal practice and in some geographical areas of California for all those who seek such positions.

3. University of California law schools should encourage the development and expansion of lawyer placement activities at their institutions to ensure that graduates of these schools are assisted to the extent possible in obtaining suitable employment according to their interests.
4. The State should request that the University of California, in close coordination with the California Coordinating Council for Higher Education, establish a standing Law School Advisory Committee. This Committee should be charged with the responsibility for identifying the kinds of relevant data which the law schools should acquire and the manner in which these data should be reported to the University and the Coordinating Council.

The Law School Advisory Committee, with the assistance of the staff of the Coordinating Council and with the cooperation of the private, accredited law schools in the State, should make periodic surveys, on a continuing basis, of legal manpower supply and demand relationships in California. The Committee should also make recommendations with respect to the establishment of additional legal education facilities in California.



SECTION VII

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